

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

CITY OF CORYDON

Wastewater Facility No. 6-93-34-0-04

**CONSENT AMENDMENT TO
ADMINISTRATIVE CONSENT
ORDER**

NO. 2008-WW-38-A1

To: City of Corydon
Honorable Mayor and Council
101 West Jackson Street, P.O. Box 169
Corydon, Iowa 50060-1826

Administrative Consent Order No. 2008-WW-38 (Order) was issued by the Iowa Department of Natural Resources (Department) on August 2, 2008. The City of Corydon (City) requested that the Department approve a revised construction schedule for an upgrade to the City's sanitary collection system and the wastewater treatment facilities (WWTF) in an amendment to the Order. The parties have agreed to the following administrative consent amendment (Amendment) to the Order which grants the requested changes to the construction schedule.

1. Section I. SUMMARY is rescinded and replaced by the following.

This Amendment is agreed to by the City and the Department. The Amendment requires the City to comply with the construction implementation schedule stated in paragraph 5 of this Amendment for upgrading the City's wastewater collection system and the WWTF.

2. Section 2. JURISDICTION remains the same as in the Order and is incorporated by reference into this Amendment.

3. Section III. STATEMENT OF FACTS is amended by rescinding paragraphs 2 and 3 of the Order and the addition of new paragraphs 2 through 10 to the Amendment. Paragraph 1 remains the same as in the Order and is incorporated by reference into this Amendment.

2. The City operates its WWTF pursuant to Iowa NPDES Permit No. 6-93-34-0-04 (permit) issued by the Department. Treated wastewater is discharged pursuant to this facility's permit. The permit in effect at the time of the original Order contained effluent limits for the discharge of pollutants, including but not limited to carbonaceous biochemical oxygen demand (CBOD5), total suspended solids (TSS), and pH. The permit in effect at the time of the original Order included ammonia nitrogen effluent limits and monitoring requirements for these limits. At the time of the Order, the City was not meeting the ammonia nitrogen limits in its permit and had significant violations of these limits. The WWTF in use at the time of the Order had not been designed to

remove ammonia nitrogen to meet the effluent limits in the permit. An implementation schedule was included in the permit but uncertainty regarding future ammonia nitrogen limits delayed implementation.

At the time of the Order, the Department had revised water quality standards rules and was in the process of revising stream use designations. The first round of stream use designations was adopted by the Environmental Protection Commission (EPC) and became effective on July 1, 2008. The water quality standards and stream use designation rule revisions have impacted further renewals of the City's permit. In view of the rulemaking, the Department entered into the original Order.

3. In order to comply with the conditions of NPDES Permit No. 6-93-34-0-04 and the Order, the City developed a two phase Facility Plan (FP) to return the City's WWTF to compliance with the City's NPDES permit. Phase one consisted of biosolids removal from the lagoon cells, replacement of the three lift stations, Cured-in-Place Pipe (CIPP) lining of over 10,000 feet of sanitary sewer, rehabilitation/replacement of at least 21 manholes, and construction of an adequate flow measuring structure. Phase one was completed during 2011 and 2012. Phase two will consist of upgrades at the WWTF, which have not been designed to date.

4. The City has implemented two sewer rate increases to fund the improvement projects. The first was implemented on November 15, 2010 and the second was implemented on March 7, 2013.

5. Compliance inspections have been conducted at the City's WWTF in recent years. The first compliance inspection was conducted on January 26, 2011 and a follow-up inspection was completed on February 17, 2011 by Kate Bason, FO 5 Environmental Specialist. The inspections resulted in a Notice of Violation (NOV) which was issued on March 7, 2011. The NOV was issued due to effluent limit violations and bypasses. As required by the NOV, the City submitted a written response to FO 5 dated March 29, 2011.

6. EPA Region VII conducted a compliance inspection of the City's WWTF on April 15- 18, 2013 and issued a report of the inspection. The inspection report noted that the WWTF continues having frequent ammonia nitrogen effluent limit violations.

7. On September 5, 2013, a project initiation meeting was held at the Corydon City Hall to discuss phase two of the City's wastewater project. At that meeting it was requested that the City be allowed a reasonable amount of time to monitor the flows and loadings to the WWTF following the collection system improvements and installation of an accurate flow measuring device, in order to appropriately design the WWTF improvements.

8. The City requested an amendment to the Order by a letter sent to FO 5 dated September 10, 2013. In its September 10, 2013 letter, the City requested a revision to the Order to allow time to obtain accurate flow data and to submit a facility plan (FP) by March 2015.

9. The Department grants the extension request through the issuance of this Amendment to the Order. The City is required by this Amendment to submit a complete FP by March 31, 2015. The FP should be developed with the intention of completing the necessary construction and consistently complying with the conditions of the NPDES permit by December 31, 2016. All construction that is required to return the City's WWTF to full compliance with the City's NPDES permit is to be completed by December 31, 2016.

10. The revised schedule is included in Section V. Order. The revised schedule extends the final completion date for the City's construction project to December 31, 2016.

4. Section IV. CONCLUSIONS OF LAW remains the same as in the Order and is incorporated by reference into this Amendment.

5. Section V. ORDER of the Order is amended by the rescission of the entire section, consisting of paragraphs 1 and 2, and the addition of new paragraphs 1 and 2. The new paragraphs now provide as follows.

1. The City is required to submit a complete FP to the Department's Project Manager by March 31, 2015.

2. By December 31, 2016, the City is required to complete all construction that is necessary to return the City's WWTF to full compliance with the City's NPDES permit.

6. Section VI. PENALTY remains in effect and is incorporated by reference into this Amendment.

7. Section VIII. NONCOMPLIANCE is rescinded and replaced by the following.

Compliance with Section V of this Amendment constitutes full satisfaction of all requirements pertaining to the violations described in the Order and this Amendment. Failure to comply with the Order, as amended by this Amendment, may result in issuance of a further administrative order with a penalty or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191.

8. Except as amended herein, all other provisions of the Order remain in full force and effect.

For questions contact:

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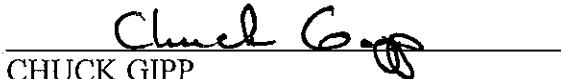
Phone (515) 281-6267



RODNEY PARHAM
MAYOR
CITY OF CORYDON

Dated this 19 day of

March, 2014.



CHUCK GIPP
DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 26th day of

March, 2014.

City of Corydon- Wastewater Facility No. 6-93-34-0-04 (Copy to Central Office Records File), Tom Atkinson- Field Office No. 5, Jim Oppelt, P.E.- Wastewater Construction Permits Section, Diana L. Hansen- Legal Services Bureau, US EPA Region VII, I.B.2.d.